United Nations A/C.5/55/21

General Assembly

Distr.: General
14 November 2000

Original: English

Fifty-fifth session
Fifth Committee
Agenda item 117
Programme budget for the biennium 2000-2001

Revised estimates under section 7, International Court of Justice; section 32, Staff assessment; and income section 1, Income from staff assessment

Report of the Secretary-General

I. Introduction

1. The General Assembly, in its resolution 54/249 of 23 December 1999, noted with concern that the resources proposed for the International Court of Justice for the biennium 2000-2001 were not proportionate with the workload envisaged for that biennium.

2. The Advisory Committee on Administrative and Budgetary Questions, in its report on the proposed programme budget for the biennium 2000-2001,[1] also noted that, subsequent to the submission of estimates for the proposed programme budget, there was a dramatic increase in the number of cases before the Court, which resulted in a heavier workload for it. Accordingly, the Advisory Committee recommended that the resource implications of such an increase in workload be reviewed in order to ensure that the ability of the Court to discharge its mandate was not adversely affected.

3. As the principal judicial organ of the United Nations, the independence and autonomy of the International Court of Justice are recognized in the Charter of the United Nations and the Statute of the Court, which forms an integral part of the Charter. Therefore, in order for the relevant provisions of the Charter and its goals to be implemented, the Court must at all times be capable of carrying out the duties entrusted to it.

4. The Court's function is to decide contentious cases submitted to it by States, in accordance with its Statute. In so doing, it contributes to maintaining international peace and security by ensuring the peaceful settlement of disputes between States, as stated in Articles 1 and 2 of the Charter. The Court also responds to requests for advisory opinions submitted to it by duly authorized United Nations organs and specialized agencies. Furthermore, the Court must be prepared to examine, with priority over other matters, all requests it receives for the indication of provisional measures.

5. When the Court's proposed budget for the biennium 2000-2001 was originally drafted in December 1998, the Court had before it 13 cases, four of which would be considered during the biennium. Subsequently, however, 11 new cases were filed with the Court and, as a result, by the beginning of the biennium 2000-2001, the Court's docket had increased to 24 contentious cases. In view of this increase, the Court revised its agenda to include 13 of the 24 cases in the docket for consideration during the course of the

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biennium. The Court also expects that, during the biennium, it will have to prepare for the consideration of a possible two additional cases.

6. Such a drastic increase in the number of cases before the Court has serious implications for the workload of the Court and its Registry. Such implications are further amplified by the strong likelihood that several of the cases would involve preliminary objections. These, in turn, generate two separate sets of proceedings, each involving the submission of written pleadings, as well as the conduct of hearings and separate judgments. In certain cases, the number of pleadings further increases owing to counter-claims raised by respondents or intervention in pending cases by a State.

7. The Court has already taken important measures to improve efficiency in order to allow it to better meet the increase in the workload. Working methods have been rationalized through a more extensive use of information technology and improved Court procedures. Moreover, States appearing before the Court are now requested to reduce the volume of their written pleadings and the length of oral arguments. Although such measures have enhanced the Court's productivity, they are not enough to ensure that the Court will be able to handle the dramatic increase in the workload caused by the growth in the number of cases.

II. Revised estimates for the biennium 2000-2001

8. The General Assembly in its resolution 54/250 A of 23 December 1999, approved appropriations totalling $20,864,500 under section 7, International Court of Justice, of the programme budget for the biennium 2000-2001. However, owing to the dramatic and unexpected increase in the Court's caseload, it has become apparent that additional requirements would be necessary in order to allow the Court to discharge its functions.

9. As pointed out above, over the course of the biennium 2000-2001, the Court expects to consider 13 of the 24 cases in its docket and to prepare for the consideration of a possible two additional cases (see annex). The consideration of a case by the Court gives rise to specific expenses related to each of the stages that take place before and after the reading of a decision at a public sitting, such as hearings, the preparation of judges' Notes, the deliberations of the Court and its drafting committee for the finalization of the judgments and the elaboration of the judges' opinions. Accordingly, the requirements under section 7 of the programme budget for the biennium 2000-2001 will have to be revised, particularly in respect of temporary posts and temporary assistance for meetings.

10. The impact of the increase in the workload is felt the most in the Conference and Language Services of the Registry. These services are responsible for the provision of translation and interpretation for the Court. The translation and interpretation needs of the Court derive from paragraph 1 of Article 39 of the Statute of the Court, which establishes that the official languages of the Court shall be English and French. Accordingly, all official documents presented in one of these languages will have to be translated into the other. The work of the Conference and Language Services is carried out by six staff members (one P-5, four P-4, one P-3) as well as by freelance translators and interpreters. Translation of less sensitive materials, such as annexes to pleadings, is usually done by external translators.

11. In the biennium 2000-2001, the Court will need to translate a total of about 11,967,600 words related to pleadings, verbatim records of hearings, judges' Notes, decisions and opinions. The translation capacity of the Conference and Language Services of the Registry is estimated at 2,970,000 for the biennium. Therefore, if current practice of hiring freelance and external translators were to be followed, it would be necessary to assign an estimated 8,997,000 words to outside translators, namely, freelance translators (4,043,000 words), for in-house translations that include confidential material and external translators (4,954,000 words of annexes to pleadings).

12. Provisions made under temporary assistance to meetings ($1,378,600) for section 7 of the programme budget for the biennium 2000-2001 allow for the earmarking of approximately $548,900 for the hiring of freelance translators. This amount would cover the cost of translation of about 1,680,000 words. Accordingly, if the practice of hiring freelance translators were to be continued, supplementary requirements of $772,100 ($418,800 for the payment of fees, $287,400 for daily subsistence allowance, and $65,900 for travel) would be needed, under temporary assistance for meetings, for the translation of 2,363,000 additional words.

Similarly, provisions made under external translation ($243,100) would allow for the translation of about 1,619,000 words by external translators. Thus, under current practice, supplementary requirements of $443,400 would be needed, under external translation, for the external translation of approximately 3,335,000 additional words of annexes to pleadings. Therefore, if the current practice of hiring freelance and external translators were followed, a total of $1,215,500 would be required for the additional translation requirements.

13. However, since the Court's heavy caseload is likely to continue in the future, translation workload will remain substantial. Therefore, it would be advisable to address the Court's need for additional translation resources by establishing 12 temporary posts for translators (three P-4, nine P-3). This option would not only ensure that the Court would have sufficient in-house translation capacity, but would also be more economical than hiring freelance and external translators. The cost of establishing new posts for 2001 is estimated at $440,100. When calculated on the basis of continuing posts, this option would represent savings of $394,400 in relation to the alternative of hiring freelance and external translators.

14. In addition to the above, requirements of $24,300 would be necessary for the establishment of one temporary post, at the G-4 level, to provide much needed administrative and secretarial support to the Conference and Language Services.

15. The heavy volume of translation and the intensive schedule of hearings will require additional support staff to provide typing and shorthand services. The Registry's Stenographic and Typing Services is currently staffed with four regular posts (one P-3, one General Service (Principal level) and four General Service (Other level)). The Services also employ six typists at the G-4 level, under general temporary assistance. Owing to the increase in the Court's caseload, the need has arisen for the hiring of additional typists and a proof-reader to reinforce the capacity of the Stenographic and Typing Services at periods of peak workload, particularly during hearings. Therefore, it is estimated that supplementary requirements of $117,400 would also be necessary, under temporary assistance to meetings, for the hiring of five additional typists for four work-months and one proof-reader, to assist at peak workload periods, when hearings are held.

16. The increase in the workload also has a direct impact on the services responsible for courtroom management, including arranging Court hearings, and for responding to requests (from Governments, non-governmental organizations and the public) for information on the work of the Court. The number of such requests has risen significantly as a combined effect of the Court's efforts to make its workings more open to the public, an increasingly visible web site and, above all, the unprecedented number of pending cases. Those services are carried out by the Press and Information Services, which are also responsible for protocol matters and for preparing a number of Court publications. The increase in the number of cases has imposed a heavy load on the Services' two staff members (one P-5, one P-2). In order to alleviate this load, additional requirements of $24,300 would be needed for the establishment of one temporary post, at the G-4 level, to provide administrative and secretarial support in the Press and Information Services.

17. The following table summarizes the additional requirements that would be needed under section 7, International Court of Justice, of the programme budget for the biennium 2000-2001 (in thousands of United States dollars):

Object of expenditure	*Initial appropriations*	*Revised estimates*	*Additional requirements*
Posts (3 P-4 and 9 P-3 translator posts and 2 General Service (Other level) posts)	7 243.9	7 732.6	**488.7**
Other staff costs	1 711.3	1 828.7	**117.4**
Total additional requirements			**606.1**

III. Contingency fund

18. It will be recalled that, under the procedure established by the General Assembly in its resolution 41/213 of 19 December 1986, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under the same procedure, if proposed additional expenditures exceed resources available from the contingency fund, those activities can be implemented only through redeployment of resources from low-

priority areas or modification of projected activities. Otherwise, such additional activities will have to be deferred until a subsequent biennium. A consolidated statement of all programme budget implications and revised estimates will be submitted to the Assembly towards the end of its fifty-fifth session.

IV. Summary

19. **Should the General Assembly approve the proposals contained herein, an additional appropriation of $606,100 would be required under section 7, International Court of Justice, of the programme budget for the biennium 2000-2001. An additional appropriation of $131,200 would also be required under section 32, Staff assessment, offset by the same amount under income section 1, Income from staff assessment.**

Notes

[1] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7* (A/54/7), para. III.3.

Annex

Cases in the docket of the International Court of Justice as of 10 November 2000

1. *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*
2. *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)*
3. *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America)*
4. *Oil Platforms (Islamic Republic of Iran v. United States of America)*
5. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)*
6. *Gabčikovo-Nagymaros Project (Hungary/Slovakia)*
7. *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)*
8. *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*
9. *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*
10. *LaGrand (Germany v. United States of America)*
11. *Legality of Use of Force (Yugoslavia v. Belgium)*
12. *Legality of Use of Force (Yugoslavia v. Canada)*
13. *Legality of Use of Force (Yugoslavia v. France)*
14. *Legality of Use of Force (Yugoslavia v. Germany)*
15. *Legality of Use of Force (Yugoslavia v. Italy)*
16. *Legality of Use of Force (Yugoslavia v. Netherlands)*
17. *Legality of Use of Force (Yugoslavia v. Portugal)*
18. *Legality of Use of Force (Yugoslavia v. United Kingdom)*
19. *Armed activities on the territory of the Congo (Democratic Republic of the Congo v. Burundi)*
20. *Armed activities on the territory of the Congo (Democratic Republic of the Congo v. Rwanda)*
21. *Armed activities on the territory of the Congo (Democratic Republic of the Congo v. Uganda)*
22. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Yugoslavia)*

23. *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*

24. *Proceedings instituted by the Democratic Republic of the Congo against Belgium (Democratic Republic of the Congo v. Belgium)*